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340
02/24

REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO					CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY)	
TO: CITY COUNCIL		FROM (ORIGINATING DEPARTMENT): Development Services Department			DATE: 01/15/2009	
SUBJECT: Petrie Residences - Project No. 18262						
PRIMARY CONTACT (NAME, PHONE): Michelle Sokolowski, (619) 446-5278				SECONDARY CONTACT (NAME, PHONE): Paul Godwin, (619) 446-5103		
COMPLETE FOR ACCOUNTING PURPOSES						
FUND						
DEPT.						
ORGANIZATION						
OBJECT ACCOUNT						
JOB ORDER						
C.I.P. NUMBER						
AMOUNT	0.00	0.00	0.00	0.00	0.00	0.00
FUND						
DEPT.						
ORGANIZATION						
OBJECT ACCOUNT						
JOB ORDER						
C.I.P. NUMBER						
AMOUNT	0.00	0.00	0.00	0.00	0.00	0.00
COST SUMMARY (IF APPLICABLE):						
ROUTING AND APPROVALS						
CONTRIBUTORS/REVIEWERS:		APPROVING AUTHORITY		APPROVAL SIGNATURE		DATE SIGNED
Liaison Office		ORIG DEPT.		Westlake, Mike		2/4/2009
Environmental Analysis		CFO				
		DEPUTY CHIEF				
		COO				
		CITY ATTORNEY				
		COUNCIL PRESIDENTS OFFICE				
PREPARATION OF:		<input checked="" type="checkbox"/> RESOLUTIONS		<input checked="" type="checkbox"/> ORDINANCE(S)		<input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)
1. Resolution certifying the Negative Declaration. 2. Ordinance approving the Rezone. 3. Resolution approving the Public Right-of-Way Vacation. 4. Resolution approving the Tentative Map. 5. Resolution approving the Site Development Permit. 6. Resolution approving the renaming of Walnut Avenue to Bear Drive.						

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STAFF RECOMMENDATIONS:	
1. Certify Negative Declaration No. 18262;	
2. Approve Rezone No. 42905, Public Right-of-Way Vacation No. 42923, Tentative Map No. 42906, Site Development Permit No. 42924, and the renaming of Walnut Avenue to Bear Drive.	
SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)	
COUNCIL DISTRICT(S):	2
COMMUNITY AREA(S):	Uptown
ENVIRONMENTAL IMPACT:	1. A Resolution certifying that the information in Project Number 18262 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency. 2. A resolution stating for the record that the final Negative Declaration has been reviewed and considered prior to approving the project.
CITY CLERK INSTRUCTIONS:	The resolution regarding the name change needs to be forwarded to the Clerk for the County Board of Supervisors and the County Surveyor per the California Streets and Highways Code.

**COUNCIL ACTION
EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO**

DATE: 01/15/2009

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: Petrie Residences - Project No. 18262

COUNCIL DISTRICT(S): 2

CONTACT/PHONE NUMBER: Michelle Sokolowski/(619) 446-5278

REQUESTED ACTION:

The proposed creation of two lots, construction of one new single family residence, and construction of an addition to an existing single-family residence at 3520 Dove Court, within the Uptown Community Plan area.

STAFF RECOMMENDATION:

1. Certify Negative Declaration No. 18262;
2. Approve Rezone No. 42905, Public Right-of-Way Vacation No. 42923, Tentative Map No. 42906, and Site Development Permit No. 42924.

EXECUTIVE SUMMARY OF ITEM BACKGROUND: The project site is located at 3520 Dove Court, west of Bear Drive/Walnut Avenue, and north of Eagle Street, in the RS-1-7 and RS-1-1 Zones and the FAA Part 77 Noticing Area, within the Uptown Community Plan area.

The site 0.63-acre site is comprised of one parcel with an existing single-family residence (3520 Dove Court) and an adjacent parcel to the south, which is undeveloped. Through this permitting process, the applicant proposes to reconfigure the parcels, including portions of vacated streets, and create two new lots, which will permit the construction of additions to the existing residence on Parcel A (3520 Dove Court), and the construction of a new single-family residence on Parcel B. In order to accomplish this, a Rezone, Public Rights-of-Way Vacation, Tentative Map, and Site Development Permit are required.

The site is irregularly shaped, and slopes down from Dove Court to the west. The existing residence is accessed via the cul de sac at the end of Dove Court, at the top of slope. The new residence will be accessed via Bear Drive, which follows a different path to the site. Bear Drive extends off of Dove Court to the east of this site, and loops around to the west. Midway down the street, Bear Drive turns into Walnut Avenue, which ends at this project site at the junction with Eagle Street. The front of the site is closest to Dove Court, with the rear of the site located downslope.

Discretionary Actions Summarized:

Rezone: The project site is located within two zones: RS-1-7 at the front, and RS-1-1 at the rear. The existing residence is located within the RS-1-7 Zone, although a portion of the proposed addition would be located within the RS-1-1 Zone. The new residence location is within the current RS-1-1 Zone entirely. With this project, the applicant proposes to modify the RS-1-7 Zone boundary so the existing residence and addition would be all located within the RS-

1-7 Zone. In addition, the remaining portion of the site within the RS-1-1 Zone would be rezoned to RS-1-4 to permit the construction of the new single-family residence. Staff has reviewed this Rezone request and has determined it is consistent with the current land use designations in the Uptown Community Plan.

Public Rights-of-Way Vacations: The applicant's request includes several public rights-of-way vacations required to implement the proposed project. While the majority of Parcel A is existing, Parcel B is composed of portions of a non-contiguous parcel of land, separated by the dedicated Walnut Avenue right-of-way. This is also bounded by dedicated Eagle Street on the south. During the course of project review, staff requested the applicant also incorporate the vacation of additional off-site portions of Eagle Street since the applicant's proposed vacation would leave remnant portions of these dedicated rights-of-way which would be unusable.

In addition to these vacations, the portion of Walnut Avenue leading from Bear Drive to the new Parcel B site would be renamed to Bear Drive. This would provide clarity and consistency on the street name in the neighborhood.

Tentative Map: The existing residence at 3520 Dove Court sits on a legal lot. The proposed Tentative Map will provide for a reconfiguration of this lot, and incorporate the non-contiguous parcel and adjacent vacated public rights-of-way into a new parcel, resulting in two parcels (Parcel A and Parcel B). Parcel A will contain the existing residence addressed as 3520 Dove Court. Parcel B will contain the new single-family residence, but the address has not yet been requested or assigned; presumably it will be addressed on Bear Drive.

Site Development Permit: A Site Development Permit is required due to the presence of environmentally sensitive lands on the site in the form of steep slopes. Minor portions of the additions to the existing residence at 3520 Dove Court are within the natural, undisturbed portion of the steep slopes. The new residence construction is located entirely within an area of previously-disturbed slopes, and has been designed to impact a minimal amount of this area, in accordance with Land Development Code regulations. Based on Land Development Code requirements, the applicant has made many plan revisions in order to achieve the project proposed. The proposed project conforms with all development regulations of the Land Development Code and no deviations or variances are requested or required with this action.

FISCAL CONSIDERATIONS: All costs associated with the processing of this project are paid by the applicant.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE): N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Planning Commission Hearings: The Planning Commission originally heard this project on September 4, 2008. After public testimony, the Planning Commission posed several questions to the applicant and staff regarding the proposed turnaround, the proposed rezone, the existing street condition, the proposed landscape plan, drainage responsibilities, and clear title. The Commission

continued the project until October 9, 2008, to provide time for response to these questions. On October 9, 2008, the Planning Commission heard further testimony responding to the prior questions.

Planning Commission Decision: On October 9, 2008, the Planning Commission voted 4-0-3 (Ontai recusing, Naslund and Smiley not present) to recommend approval of the project, with additional conditions read into the record (Attachment 1).

Community Planning Group: At their April 1, 2008, meeting, the Uptown Planners voted 14-0-1 to recommend approval of the proposed project and stated the following: "The board expressed approval of the architectural style of the proposed structure, and believed it complimented the topography and character of the site it was to be located." No recommended conditions have been provided by Uptown Planners.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Key Stakeholders: John Randal Petrie, owner; neighbors within the surrounding area, including those who qualify as "interested persons."

Projected impacts are discussed within the Planning Commission Report, however, the major issues discussed at the public hearings were related to street condition and drainage. Engineering and Capital Projects has inspected the street (Bear Drive) and has not taken actions to limit the load on the street. The project drainage was analyzed in accordance with the principles of the City's Drainage Design Manual. The proposed drainage system will better control runoff by lessening its erosive potential. Catch basin inserts are proposed within the drainage system for the removal of storm water pollutants. These storm water treatment best management practices will be maintained in perpetuity by the property owners.

Westlake, Mike

Originating Department

Deputy Chief/Chief Operating Officer

**Condition modifications made by Planning Commission in their 10/9/08 approval of the
Petrie Residences Project – Project No. 18262**

NOTE: The two conditions below were added at the October 9, 2008 Planning Commission hearing by the decisionmakers. These two added conditions are included in the draft permits/resolutions provided to the City Attorney's Office for the City Council's consideration. No other conditions were added or modified by the Planning Commission.

13. Prior to the issuance of a grading permit and recordation of the Easement Vacation, the applicant/permit holder shall demonstrate to the satisfaction of the City of San Diego that the same has obtained clear title to ownership of the entire property within, upon, and below the public right-of-way that are the subject of Easement Vacation No. 42923.
14. Voluntary Construction Parameters from Applicant. The conditions below were voluntarily agreed to be included within this Tentative Map and referenced Site Development Permit by the applicant at the October 9, 2008, Planning Commission hearing. To the satisfaction of the City Engineer, all of the following recommendations will be followed during the construction of improvements, as proposed for one new single family home to be constructed at the end of Bear Drive and as referred to as Lot B of TM 18262:
 - a. A Traffic Control plan taking into account traffic safety and road capacity shall be prepared, submitted and approved by the City Engineer prior to the commencement of any grading operations.
 - b. No construction vehicles, equipment or supplies will be stored or parked on Bear Drive unless directly adjacent to the property being improved.
 - c. All heavy equipment and materials will be off-loaded from Torrance Ave or Dove Court and then transported in smaller batches, 1 ton or less, by way of a rubber tired forklift or smaller truck, not in excess of 12,000 lbs GVW, to the construction site. The only exception shall be for awkward sized loads such as lumber or steel which may be transported on a limited basis by trucks not exceeding 45,000lbs. GVW.
 - d. All wet concrete will be off-loaded and pumped down the hill from the end of Dove Court, not Walnut Avenue or Bear Drive.
 - e. Earth moving equipment and dirt hauling trucks shall be of the smallest and lightest variety practically useful and locally available for the job required but shall not exceed 55,000lbs. GVW under any circumstances.
 - f. At no time shall any construction vehicle loads exceed the safe weight limit for any street as may be determined and notified or posted by the City Engineer.

It is hereby agreed that the above measures shall be followed during construction at all times. These measures shall be a part of the Development Permit and shall endure to and be enforceable upon the applicant and any future owner or builder of the improvements as referenced above.

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NOTICE OF DETERMINATION

TO: X Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Number: 18262

State Clearinghouse Number: N/A

Project Title: Petrie TM/Vacation

Project Location: 3520 Dove Court, San Diego, CA 92103

Project Applicant: John Petrie
3520 Dove Court,
San Diego, CA 92103
Phone: (619) 298-6200

Project Description: SITE DEVELOPMENT PERMIT, TENTATIVE MAP, PUBLIC RIGHT-OF-WAY VACATION and REZONE from RS-1-1 (Residential—Single Unit) and RS-1-7 to RS-1-4 and RS-1-7 to create two lots from an existing single parcel, and to construct one new single-family residence with an attached three-car garage (approximately 5,061 square-feet), and an addition (approximately 2,344 square-feet) to an existing single-family residence. The 0.63-acre project site is located at 3520 Dove Court within the Uptown Community Plan area and FAA Part 77 Noticing Area. Council District 2. Legal Description: Parcel "A"- Lot 4, of Inspiration View, according to Map thereof No. 1854 (APN 451-400-04) and Parcel "B"- Portion of Lot 5, of Inspiration View, according to Map thereof No. 1854 (APN 451-00-05). Council District 2.

This is to advise that City of San Diego City Council, on _____, approved the above described project and made the following determinations:

1. The project in its approved form ____ will, X will not, have a significant effect on the environment.
2. ____ An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA.
X A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
____ An addendum to a Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
Record of project approval may be examined at the address above.
3. Mitigation measures ____ were, X were not, made a condition of the approval of the project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Entitlements Division, Fifth Floor, City Operations Building, 1222 First Avenue, San Diego, CA 92101.

Analyst: Arnhart

Telephone: (619) 446-5385

Filed by:

Signature

Senior Planner

Title

Reference: California Public Resources Code, Sections 21108 and 21152.

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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION CERTIFYING NEGATIVE DECLARATION
NO. 18262 – PETRIE RESIDENCES - PROJECT NO. 18262.

WHEREAS, on October 9, 2008, John R. Petrie, Trustee of the John R. Petrie Trust Agreement dated July 21, 2004, Owner/Permittee, submitted an application to the City of San Diego for a site development permit, tentative map, public right-of-way vacation and rezone for the Petrie Residences Project; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the issue was heard by the City Council on _____; and

WHEREAS, the City Council of the City of San Diego considered the issues discussed in Negative Declaration No.18262; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it is certified that Negative Declaration No. 18262; on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City

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of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of site development permit, tentative map, public right-of-way vacation and rezone for the Petrie Residences Project.

BE IT FURTHER RESOLVED, that the Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore the Negative Declaration is approved.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:hm:pev
02/09/09
Or.Dept:DSD
R-2009-838
MMS#7536

000517

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION APPROVING SITE DEVELOPMENT PERMIT
NO. 42924 – PETRIE RESIDENCES – PROJECT NO. 18262.

WHEREAS, John R. Petrie, Trustee of the John R. Petrie Trust Agreement, dated July 21, 2004, Owner/Permittee, filed an application with the City of San Diego for a site development permit to create two lots, construct one new single-family residence and construct an addition to an existing single-family residence to be known as the Petrie Residences project, located at 3520 Dove Court, and legally described as Lot 4, Inspiration View, Map No. 1854, including a portion of vacated Eagle Street (Parcel "A") and a portion of Lot 5, Inspiration View, Map No. 1854 and a portion of vacated Walnut Street (Parcel "B") in the Uptown Community Plan area, in the RS-1-1 and RS-1-7 zones, which are proposed to be rezoned to the RS-1-4 and RS-1-7 zones, and the FAA Part 77 Noticing Area; and

WHEREAS, on October 9, 2008, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 42924, and pursuant to Resolution No. 4470-PC voted to recommend approval of the permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 42924:

A. SITE DEVELOPMENT PERMIT - SDMC SECTION 126.0504

1. The proposed development will not adversely affect the applicable land use plan. The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. The proposed project consists of two parcels. The Uptown Community Plan designates Parcel "A" as Low Residential 5 to 10 dwelling units per acre [du/ac] (0.07 acres) and Open Space (0.29 acres). This site is currently developed with one existing single-family dwelling unit. The community plan designates Parcel "B" as Open Space (0.27 acres). According to the Open Space and Recreation Element of the community, Parcel "B" is located in Biological/Geological Zone 1, which allows very low residential development at 1 to 2 du/ac. Based on the existing land use designation, one dwelling unit would be allowed on Parcel "B" resulting in the net increase of one single-family dwelling unit within the community. The proposed single-family uses are consistent with the Uptown Community Plan designation and will not adversely affect this land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. A Negative Declaration was prepared for this project, which evaluated Biological Resources, Geology, and Historical Resources (architecture). It was determined that the proposed project would not result in significant impacts to these resources. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Codes and City regulations governing the construction of development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. No deviations are requested or granted from the applicable development regulations of the zones. The project has been conditioned to conform with all applicable regulations of the Land Development Code [LDC].

4. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. The site is irregularly-shaped and slopes descending from east to west. Steep slopes indicating the presence of environmentally sensitive lands are those that are natural, undisturbed slopes, 25 percent slope or greater, and have at least 50 feet in elevation. A slope analysis was prepared for this project. That analysis clarified the location of steep slopes on this project site. A minor portion of a balcony addition to the existing residence at 3520 Dove Court is within the natural, undisturbed portion of the steep slopes. The new residence construction is located entirely within an area of previously-disturbed slopes, and has been designed to impact a

minimal amount of this area, in accordance with LDC regulations. Proposed grading consists of approximately 500 cubic yards of cut, with a maximum cut depth of 15 feet, 350 cubic yards of fill, with a maximum fill depth of 10 feet, and approximately 230 cubic yards of export. The maximum height of the cut slope would be 2 feet at a 2:1 slope ratio, and the maximum height of the fill slope would be 14 feet at a 2:1 slope ratio at the location of the required hammerhead turnaround. The project would result in a total graded area of approximately 0.15 acre. Based on the above information and the applicable LDC regulations, the proposed development is not located on natural steep slopes and the proposed development will result in a minimum disturbance to the environmentally sensitive lands.

5. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. As indicated in Finding No. 4, above, the project has been designed to minimize the alteration of the natural steep slopes existing on the site. A geotechnical investigation report and several addenda were prepared for the proposed hillside project that addressed geologic hazards. Slope stability of the site was evaluated and the geotechnical consultant determined that the proposed building site and existing building site have adequate gross and surficial slope stability and the proposed subdivision will be safe from geologic hazards. However, the western portions of site were determined to have a factor of safety of less than 1.5 with respect to slope stability due to the proximity of the existing steep cut slope located west and adjacent to the site. Considering the steep slope is an existing offsite non-conforming condition, the owner has agreed to establish a "Building Restricted Easement" for the areas of the site determined to have a factor of safety of less than 1.5. In addition, a Notice of Geologic and Geotechnical Conditions has been recorded against the subject property that is a disclosure and hold harmless agreement. A new storm drain system would be installed with project implementation. The project would be required to incorporate construction and post-construction Best Management Practices [BMP], and the applicant would be required to enter into a maintenance agreement with the City of San Diego for on-going permanent BMP maintenance, as a condition of project approval. All site runoff would be required to comply with the City's Storm Water Standards. Accordingly, implementation of the proposed project will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

6. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. All modifications required to implement the proposed project will occur on the project site, and will not impact adjacent properties. Any sensitive slopes extending onto adjacent properties would not be modified as a result of this project. In addition to the slope analysis and geologic reconnaissance referenced in Findings 4 and 5 above, a biological resources report was prepared to determine if the proposed project would have the potential to result in significant impacts to sensitive biological resources. The report concluded that the site contains a mixture of ornamental trees with interspersed native trees and shrubs, and that no biologically sensitive plant or animal species and/or habitats exist onsite. Due to the lack of sensitive biological resources, no impacts are expected and no mitigation would be required. The project would not adversely impact any adjacent environmentally sensitive lands.

7. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan.** The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. The project site is not located within the City of San Diego's Multiple Species Conservation Program Subarea Plan, and therefore will not provide any impacts and is consistent with the Plan.


8. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. The project site, approximately two miles from San Diego Bay, is not located within any coastal areas and will therefore not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

9. **The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The proposed project consists of the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence. A Negative Declaration was prepared for this project, which evaluated Biological Resources, Geology, and Historical Resources (architecture). It was determined that the proposed project would not result in significant impacts to these resources. Accordingly, no mitigation is required as a condition of this permit.

The above findings are supported by the minutes, maps, and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that Site Development Permit No. 42924 is granted to John R. Petrie, Trustee of the John R. Petrie Trust Agreement, dated July 21, 2004, under the terms and conditions as set forth in the attached Permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon Thomas
Deputy City Attorney

ST:hm:pev
02/09/09
Or.Dept:DSD
R-2009-839
MMS#7536

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-2010

SITE DEVELOPMENT PERMIT NO. 42924
PETRIE RESIDENCES – PROJECT NO. 18262
CITY COUNCIL

This Site Development Permit No. 42924 is granted by the City Council of the City of San Diego to John R. Petrie, Trustee of the John R. Petrie Trust Agreement, Owner/ Permittee, pursuant to San Diego Municipal Code [SDMC] sections 103.0104 and 126.0502. The .63-acre site is located at 3520 Dove Court in the RS-1-1 and RS-1-7 zones and the FAA Part 77 Noticing Area within the Uptown Community Plan. The project site is legally described as Lot 4, Inspiration View, Map No. 1854, including a portion of vacated Eagle Street and a portion of Lot 5, Inspiration Way, Map No. 1854 and a portion of vacated Walnut Street.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to create two lots, construct one new single-family residence and construct an addition to an existing single-family residence, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, on file in the Development Services Department.

The project or facility shall include:

- a. The creation of two lots, the construction of a new, approximately 5,061 square-foot, single-family residence with attached garage, and the construction of an addition to an existing single-family residence (resulting in a total size of approximately 4,082 square feet);
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines [CEQA], public and private improvement requirements of the

City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This Permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

11. Prior to issuance of a building permit the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

12. This project shall conform with the provisions of Tentative Map No. 42906; Public Right-of-Way Vacations per Resolution No. _____ (more fully described in "Legal Description" Exhibit A and "Drawing" Exhibit B [B-Sheet Nos. 20313-1, 20313-2-B, and 20313-3-B]); and Rezone No. 42905.

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of a grading permit and recordation of the Easement Vacation, the Owner/Permittee shall demonstrate to the satisfaction of the City of San Diego that the same has obtained clear title to ownership of the entire property within, upon, and below the public right-of-way that are the subject of Easement Vacation No. 42923.

14. Voluntary Construction Parameters from Applicant. The conditions below were voluntarily agreed to be included within this Tentative Map and referenced Site Development Permit by the applicant at the October 9, 2008, Planning Commission hearing. To the satisfaction of the City Engineer, all of the following recommendations will be followed during the construction of improvements, as proposed for one new single family home to be constructed at the end of Bear Drive and as referred to as Lot B of Tentative Map No 42906:

- a. A Traffic Control plan taking into account traffic safety and road capacity shall be prepared, submitted and approved by the City Engineer prior to the commencement of any grading operations.
- b. No construction vehicles, equipment or supplies will be stored or parked on Bear Drive unless directly adjacent to the property being improved.
- c. All heavy equipment and materials will be off-loaded from Torrance Ave or Dove Court and then transported in smaller batches, 1 ton or less, by way of a rubber tired forklift or smaller truck, not in excess of 12,000 lbs GVW, to the construction site. The only exception shall be for awkward sized loads such as lumber or steel which may be transported on a limited basis by trucks not exceeding 45,000 lbs. GVW.
- d. All wet concrete will be off-loaded and pumped down the hill from the end of Dove Court, not Walnut Avenue or Bear Drive.
- e. Earth moving equipment and dirt hauling trucks shall be of the smallest and lightest variety practically useful and locally available for the job required but shall not exceed 55,000 lbs. GVW under any circumstances.
- f. At no time shall any construction vehicle loads exceed the safe weight limit for any street as may be determined and notified or posted by the City Engineer.

It is hereby agreed that the above measures shall be followed during construction at all times. These measures shall be a part of the Development Permit and shall endure to and be enforceable upon the applicant and any future owner or builder of the improvements as referenced above.

15. In lieu of providing Fire Department access, the single-family residences and garages located off Walnut Avenue/Bear Drive shall be equipped with a residential fire sprinkler system, satisfactory to the Fire Marshal.

16. An updated geotechnical report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within fifteen days of completion of grading operations.
17. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.
18. Prior to the issuance of a building permit the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
19. Prior to the issuance of any building permit, the applicant shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of private drainage system within this development.
20. The drainage system proposed for this development is private and shall be privately maintained and is subject to approval by the City Engineer.
21. The Owner/Permittee shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
22. The Owner/Permittee shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Owner/Permittee shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
23. The Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
24. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
25. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
26. This project proposes to export approximately 230 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling

facility with an approved Neighborhood Use Permit or Conditional Use Permit per Land Development Code section 141.0620(i).

LANDSCAPE REQUIREMENTS:

27. In the event the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to meet the Landscape Regulations.

28. Prior to issuance of construction permits for grading, the Owner/Permittee shall submit landscape construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual, Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit and Exhibit "A."

29. Prior to issuance of any construction permits for buildings, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

30. Prior to Final Inspection, it shall be the responsibility of the Owner/Permittee to install all required landscape. A "No Fee" Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

31. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

32. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.

33. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or prior to the performance of a Final Landscape Inspection.

34. Prior to issuance of construction permits for grading; the Owner/Permittee shall ensure that all proposed landscaping, especially landscaping adjacent to native habitat and/or Multiple Habitat Planning Area [MHPA], shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's [Cal-IPC] Invasive Plant Inventory and the prohibited plant species list found in "Table 1" of the Landscape Standards shall not be permitted.

PLANNING/DESIGN REQUIREMENTS:

35. No fewer than two off-street parking spaces for each single-family residence shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

36. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

37. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations.

38. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

39. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

40. All fences and retaining walls shall comply with San Diego Municipal Code Section 142.0301.

41. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS:

42. The Owner/Permittee shall maintain the modified hammer-head vehicle turn-around area open to the general public (including the red curb and the "No Parking" sign [R8-3a]), and may construct a future gate to the north of this area, to the satisfaction of the City Engineer.

WASTEWATER REQUIREMENTS:

43. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

44. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

45. All onsite sewer facilities shall be private.

WATER REQUIREMENTS:

46. The Owner/Permittee shall execute the Hold Harmless and Release Agreement for the new water meter to serve the subject project.

47. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

48. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Director of Public Utilities, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

49. Prior to the issuance of any Certificates of Occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

50. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, and associated easements, as shown on approved Exhibit "A," shall be modified at final engineering to comply with standards.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on _____ by

Resolution No. _____.

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AUTHENTICATED BY THE CITY MANAGER

By: _____

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

THE JOHN R. PETRIE TRUST

By _____
JOHN R. PETRIE
Owner/Permittee

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

PERMIT/OTHER – Permit Shell 11-01-04

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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION APPROVING TENTATIVE MAP NO. 42906 –
PETRIE RESIDENCES – PROJECT NO. 18262.

WHEREAS, John R. Petrie, Trustee of the John R. Petrie Trust Agreement dated July 21, 2004, Subdivider/Applicant, and CDS Civil Engineers, Engineer, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 42906) for the creation of two lots, construction of one new single-family residence and the construction of an addition to an existing single-family residence to be know as the Petrie Residences Project [Project], located on the south side of Dove Court, west of Bear Drive/Walnut Avenue, at 3520 Dove Court, and legally described as Lot 4, Inspiration View, Map No. 1854, including a portion of vacated Eagle Street (Parcel "A") and a portion of lot 5, Inspiration View, Map No. 1854 and a portion of vacated Walnut Street (Parcel "B"), in the Uptown Community Plan area in the RS-1-1 and RS-1-7 zones and the FAA Part 77 Noticing Area, which are proposed to be rezoned to the RS-1-4 and RS-1-7 zones; and

WHEREAS, the Map proposes the subdivision of a 0.63-acre site into two lots for residential development; and

WHEREAS, on October 9, 2008, the Planning Commission of the City of San Diego considered Tentative Map No. 42906, and pursuant to Resolution No. 4470-PC voted to recommend City Council approval of the map; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; and

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WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented;

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 42906:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code [LDC] section 125.0440(a) and Subdivision Map Act sections 66473(5), 66474(a), and 66474(b)). The proposed subdivision would provide for a balanced community and equitable development within the community through the provision of housing that provides varying levels of architectural styles, size and affordability through residential development. The proposed subdivision is consistent with the recommended residential land use and density prescribed in the Uptown Community Plan. Therefore, the proposed subdivision and its design or improvement would be consistent with the policies, goals, and objectives of the applicable land use plan

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (LDC section 125.0440(b)). The proposed subdivision would comply with the development regulations of the underlying RS-1-4 and RS-1-7 zones and all of the applicable development regulations of the LDC. No deviation or variance is requested with this application.

3. The site is physically suitable for the type and density of development (LDC section 125.0440(c) and Subdivision Map Act sections 66474(c) and 66474(d)). The proposed subdivision would be consistent with the recommended residential land use and density range of the Uptown Community Plan and would comply with the applicable development of the underlying RS-1-4 and RS-1-7 zones. Therefore, the bulk, scale and siting of the proposed development would be compatible with the existing and future surrounding land uses and the site is physically suitable for the type and density of the proposed development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or

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wildlife or their habitat (LDC section 125.0440(d) and Subdivision Map Act section 66474(e)). An initial Environmental Initial Study [EIS] was conducted for the proposed subdivision in accordance with the California Environmental Quality Act [CEQA] that determined that a Negative Declaration should be prepared for the proposed project. No adverse environmental impacts would result from this development and therefore no mitigation would be required. The site does not include sensitive biological resources. Steep slopes do exist on the site, however, the new residence avoids these areas entirely and only minor portions of the additions to the existing residence are located within the natural, undisturbed portion of the steep slopes; the minimal impact area conforms with Land Development Code regulations. The proposed subdivision will be safe from geologic hazards according to the geotechnical investigation report prepared for the project. Proper engineering design of a retaining wall on the site will also improve the site's factor-of-safety. Finally, a Building Restricted Easement for the areas of the site determined to have a factor-of-safety of less than 1.5 is required, in addition to a Notice of Geologic and Geotechnical Conditions which has been recorded against the property and functions as a disclosure and hold harmless agreement. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injury to fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (LDC section 125.0440(e) and Subdivision Map Act section 66474(f)). The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California Subdivision Map Act and the City of San Diego Land Development Code. Further, the proposed subdivision and improvements would be permitted, constructed and inspected in accordance with the California Building Code. Therefore, the design of the subdivision or the proposed improvements would not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (LDC section 125.0440(f) and Subdivision Map Act section 66474(g)). The project includes vacation of portions of Eagle Street and Walnut Avenue which are no longer required for public right-of-way purposes, as supported by the Resolution adopted by the City Council accompanying this Tentative Map Resolution as a companion project. The remainder of the proposed subdivision would maintain and, as required, improve the existing public rights-of-ways and general utility easements; therefore, the design of the subdivision and the associated improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (LDC section 125.0440(g) and Subdivision Map Act section 66473(1)). The design of the proposed subdivision through building materials, site orientation, architectural treatments and the placement and selection of plant materials provide to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for

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public services and the available fiscal and environmental resources (LDC section 125.0440(h) and State Map Act section 66412.3). The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region and; that those needs are balanced against the needs for public services and the available fiscal and environmental resources and found that the addition of one residential unit would assist the housing needs of the Uptown community.

9. The property contains a right-of-way which must be vacated to implement the Parcel Map in accordance with San Diego Municipal Code section 125.0430, and more fully described in Resolution No. _____ and "Legal Description" Exhibit "A" and "Drawing" Exhibit "B" (B-Sheet Nos. 20313-1, 20313-2-B, and 20313-3-B). The project includes proposed vacation of portions of the Eagle Street and Walnut Avenue rights-of-way, which conform with Resolution No. _____ and "Legal Description" Exhibit "A" and "Drawing" Exhibit "B" (B-Sheet Nos. 20313-1, 20313-2-B, and 20313-3-B).

That the above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that Tentative Map No. 42906 is granted to John R. Petrie, Trustee of the John R. Petrie Trust Agreement dated July 21, 2004, Applicant/Subdivider and CDC Civil Engineers, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:hm:pev
02/10/09
Or.Dept:DSD
R-2009-840
MMS#7536

CONDITIONS FOR TENTATIVE MAP NO. 42906

THE PÉTRIE RESIDENCES, PROJECT NO. 18262

ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL:

1. This Tentative Map will expire _____.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. Prior to the issuance of the Parcel Map, taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition.
4. The Parcel Map shall conform to the provisions of Site Development Permit No. 42924 and Public Right-of-Way Vacations specified in Resolution No. _____ and "Legal Description" Exhibit "A" and "Drawing" Exhibit "B" (B-Sheet Nos. 20313-1, 20313-2-B, and 20313-3-B).
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against any Indemnified Party to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, and defends the action in good faith. Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.
6. Prior to recordation of the Parcel Map, subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

ENGINEERING:

7. Prior to the issuance of a grading permit and recordation of the Easement Vacation, the Applicant/Permittee shall demonstrate to the satisfaction of the City of San Diego that the same has obtained clear title to ownership of the entire property within, upon, and below the public right-of-way that are the subject of Easement Vacation No. 42923.

8. Prior to the recordation of the Parcel Map, the owner shall grant and relinquish to the City of San Diego, a municipal corporation, in the County of San Diego, State of California, any right to construct, erect, or maintain any habitable structure (as defined in the Uniform Building Code) within the Building Restricted delineated on the Tentative Map because of the existence of a possible geologic/geotechnical hazard (slope instability). This easement may be terminated or adjusted by recorded instrument at any time the City engineer finds that said easement is no longer needed for the purpose for which it was granted and that it is in the public interest and safe to do so.
9. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
10. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
11. Prior to the issuance of a building permit the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
12. Prior to the issuance of any building permit, the applicant shall enter into an agreement to indemnify, protect and hold harmless City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of private drainage system within this development.
13. The drainage system proposed for this development is private and shall be privately maintained and is subject to approval by the City Engineer.
14. The subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
15. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
16. The subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
17. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

18. Prior to the issuance of any construction permit the subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
19. This project proposes to export approximately 230 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC section 141.0620(i).
20. Voluntary Construction Parameters from Applicant. The conditions below were voluntarily agreed to be included within this Tentative Map and referenced Site Development Permit by the applicant at the October 9, 2008, Planning Commission hearing. To the satisfaction of the City Engineer, all of the following recommendations will be followed during the construction of improvements, as proposed for one new single family home to be constructed at the end of Bear Drive and as referred to as Lot B of Tentative Map No. 42906.
 - a. A Traffic Control plan taking into account traffic safety and road capacity shall be prepared, submitted and approved by the City Engineer prior to the commencement of any grading operations.
 - b. No construction vehicles, equipment or supplies will be stored or parked on Bear Drive unless directly adjacent to the property being improved.
 - c. All heavy equipment and materials will be off-loaded from Torrance Ave or Dove Court and then transported in smaller batches, 1 ton or less, by way of a rubber tired forklift or smaller truck, not in excess of 12,000 lbs GVW, to the construction site. The only exception shall be for awkward sized loads such as lumber or steel which may be transported on a limited basis by trucks not exceeding 45,000 lbs. GVW.
 - d. All wet concrete will be off-loaded and pumped down the hill from the end of Dove Court, not Walnut Avenue or Bear Drive.
 - e. Earth moving equipment and dirt hauling trucks shall be of the smallest and lightest variety practically useful and locally available for the job required but shall not exceed 55,000 lbs. GVW under any circumstances.
 - f. At no time shall any construction vehicle loads exceed the safe weight limit for any street as may be determined and notified or posted by the City Engineer.

It is hereby agreed that the above measures shall be followed during construction at all times. These measures shall be a part of the Development Permit and shall endure to and be enforceable upon the

applicant and any future owner or builder of the improvements as referenced above.

21. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING:

22. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
23. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
24. The Parcel Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

SEWER AND WATER:

25. Wastewater Requirements:
 - a. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

- b. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
- c. All onsite sewer facilities shall be private.

26. Water Requirements:

- a. The subdivider shall execute the Hold Harmless and Release Agreement for the new water meter to serve the subject project.
- b. The subdivider shall design and construct new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
- c. The subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention devices(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Director of Public Utilities, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.
- d. Prior to the issuance of any Certificates of Occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
- e. The subdivider agrees to design and construct all public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Design Guide and City regulations, standards and practices pertaining thereto. Water facilities, as shown on the approved tentative map, will be modified in accordance with standards and requirements at final engineering.

TRANSPORTATION:

- 27. The applicant shall construct a modified hammer-head vehicle turn-around area at the west end of Bear Drive, and within the hammer head area the applicant shall paint the curb red and install the "No Parking" sign (R8-3a), to the satisfaction of the City Engineer.

INFORMATION:

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to,

the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).

- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer Municipal Code Section 142.0607.

000541

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION APPROVING STREET EASEMENT
VACATION – PETRIE RESIDENCES PROJECT NO. 18262.

WHEREAS, California Streets and Highways Code section 8330, et seq. provides a procedure for the summary vacation of streets by City Council resolution where the easement is no longer required; and

WHEREAS, the affected property owner has requested the vacation of portion of Eagle Street and Walnut Avenue to unencumber this property and facilitate development of the site; and

WHEREAS, the City Council finds that:

a. There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired, or for any other public use of a like nature that can be anticipated;

b. The public will benefit from the action through improved use of land made available by the vacation;

c. The vacation does not adversely affect any applicable land use plan; and

d. The public facility for which the public right-of-way was originally acquire will not be detrimentally affected by this vacation; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the

000542

decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That Eagle Street and Walnut Avenue, as more particularly described on "Legal Description" Exhibits "A" and "Drawing" Exhibits "B," drawings numbers 20313-1-B, 20313-2-B, and 20313-3-B on file in the office of the City Clerk as Document Nos. RR-_____, RR-_____, RR-_____, RR-_____, RR-_____, and RR-_____, which are by this reference incorporated herein and made a part hereof, are ordered vacated; and

2. That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:hm:pev
02/09/09
Or.Dept:DSD
R-2009-841
MMS#7536

000543

LEGAL DESCRIPTION *Exhibit A*
FOR
STREET VACATION OF A PORTION OF EAGLE STREET

THAT PORTION OF EAGLE STREET DEDICATED PER MAP 530, RECORDED APRIL 14, 1888, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 4 OF INSPIRATION VIEW, ACCORDING TO MAP THEREOF NO 1854, RECORDED SEPTEMBER 2, 1925, IN SAID COUNTY; THENCE SOUTH 89°30'57" WEST 139.36 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE WEST LINE OF SAID LOT 4 SOUTH 00°26'12" EAST 175.88 FEET TO THE INTERSECTION OF THE WEST LINE OF SAID LOT 4 AND THE NORTH LINE OF WALNUT AVE; THENCE CONTINUING ALONG SAID WEST LINE SOUTH 00°26'12" EAST 42.87 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE SOUTH 00°26'12" EAST 11.38 FEET; THENCE NORTH 89°33'48" EAST 40.00 FEET; THENCE SOUTH 00°26'12" EAST 40.00 FEET; THENCE SOUTH 89°33'48" WEST 40.00 FEET; THENCE NORTH 45°15'17" WEST 31.47 FEET TO A POINT ON A NON-TANGENT 320.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH AND HAVING A RADIAL BEARING OF SOUTH 49°47'49" EAST, THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°32'50" AND AN ARC LENGTH OF 36.57 FEET TO THE **TRUE POINT OF BEGINNING**.

Jan M. Bar
Signature

5-19-08

Date



PTS 18262

W.O. 422010

DWG 20313-1-B

000545

LEGAL DESCRIPTION - *Exhibit A*
FOR
STREET VACATION OF A PORTION OF WALNUT AVE

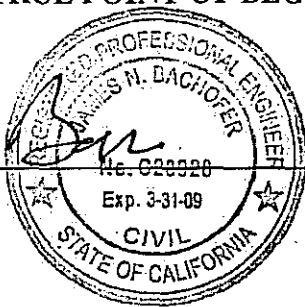
THAT PORTION OF WALNUT AVENUE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DEDICATED TO THE CITY OF SAN DIEGO PER DOCUMENT NO. 9317 RECORDED NOVEMBER 10, 1926 IN BOOK 1253, PAGE 391, IN SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 4 OF INSPIRATION VIEW, ACCORDING TO MAP THEREOF NO 1854, RECORDED SEPTEMBER 2, 1925, IN SAID COUNTY; THENCE SOUTH $89^{\circ}30'57''$ WEST 139.36 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE WEST LINE OF SAID LOT 4 SOUTH $00^{\circ}26'12''$ EAST 175.88 FEET TO A POINT ON A NON-TANGENT 88.50 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIAL BEARING OF NORTH $45^{\circ}54'11''$ WEST ALSO BEING THE **TRUE POINT OF BEGINNING** THENCE NORTHEAST ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $25^{\circ}53'00''$ AND AN ARC LENGTH OF 39.98 FEET TO THE BEGINNING OF A 30.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $91^{\circ}18'34''$ AND AN ARC LENGTH OF 47.81 FEET TO THE INTERSECTION OF WALNUT AVENUE AND THE SOUTHEASTERLY LINE OF SAID LOT 4; THENCE CONTINUING ALONG SAID 30.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF $16^{\circ}09'26''$ AND AN ARC LENGTH OF 8.46 FEET; THENCE SOUTH $02^{\circ}33'11''$ EAST 76.70 FEET TO THE BEGINNING OF A TANGENT 30.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST; THENCE SOUTH ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $23^{\circ}16'55''$ AND AN ARC LENGTH OF 12.19 FEET TO A POINT ON THE CENTERLINE OF WALNUT AVENUE, SAID STREET CLOSED PER CITY OF SAN DIEGO RESOLUTION NO. 36398 APPROVED JANUARY 4, 1926, AND RECORDED NOVEMBER 10, 1926 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY OF SAN DIEGO; THENCE ALONG SAID CENTERLINE SOUTH $89^{\circ}34'26''$ WEST 26.37 FEET TO A POINT ON A NON-TANGENT 55.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST AND HAVING A RADIAL BEARING OF SOUTH $76^{\circ}02'19''$ WEST; THENCE NORTH ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $11^{\circ}24'29''$ AND AN ARC LENGTH OF 10.95 FEET; THENCE TANGENT NORTH $02^{\circ}33'11''$ WEST 46.23 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 4; THENCE CONTINUING NORTH $02^{\circ}33'11''$ WEST 30.47 FEET TO THE BEGINNING OF A TANGENT 5.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTH; THENCE NORTHWEST ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $107^{\circ}28'00''$ AND AN ARC LENGTH OF 9.38 FEET TO THE BEGINNING OF A TANGENT 63.50 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $39^{\circ}14'00''$ AND AN ARC LENGTH OF 43.48 FEET TO THE BEGINNING OF A TANGENT 320.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $02^{\circ}54'32''$

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AND AN ARC LENGTH OF 16.25 FEET TO A POINT ON THE WEST LINE OF SAID LOT 4; THENCE CONTINUING ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $06^{\circ}32'50''$ AND AN ARC LENGTH OF 36.57 FEET; THENCE NON-TANGENT NORTH $45^{\circ}15'17''$ WEST 25.09 FEET TO A POINT ON A NON-TANGENT 295.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST A RADIAL BEARING THROUGH SAID POINT BEARS NORTH $50^{\circ}10'58''$ WEST; THENCE NORTHEASTERLY ALONG SAID CURVE THOUGH A CENTRAL ANGLE OF $09^{\circ}04'13''$ AND AN ARC LENGTH OF 46.70 FEET TO THE BEGINNING OF A REVERSE 88.50 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG SAID CURVE THOUGH A CENTRAL ANGLE OF $13^{\circ}21'00''$ AND AN ARC LENGTH OF 20.62 FEET TO THE **TRUE POINT OF BEGINNING**.

Jan M. Bachofer
Signature



5-19-08

Date

PTS 18262

W.O. 422010

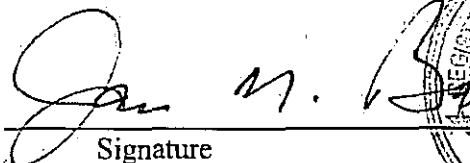
DWG 20313-2-B

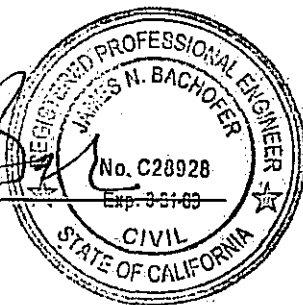
000547

LEGAL DESCRIPTION - ~~Exhibit A~~
FOR
STREET VACATION OF A PORTION OF EAGLE STREET

THAT PORTION OF EAGLE STREET DEDICATED PER MAP 530, RECORDED APRIL 14, 1888, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 4 OF INSPIRATION VIEW, ACCORDING TO MAP THEREOF NO 1854, RECORDED SEPTEMBER 2, 1925, IN SAID COUNTY; THENCE SOUTH $89^{\circ}30'57''$ WEST 139.36 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH $00^{\circ}26'12''$ EAST 270.12 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE NORTH $89^{\circ}34'26''$ EAST 40.00 FEET TO THE NORTHWEST CORNER OF ROS 12299 IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED AUGUST 24, 1989; THENCE ALONG THE EAST LINE OF EAGLE STREET SOUTH $00^{\circ}26'12''$ EAST 99.94 FEET; THENCE DEPARTING SAID EAST LINE NORTH $89^{\circ}38'47''$ WEST 40.00 FEET; THENCE NORTH $00^{\circ}26'12''$ WEST 99.40 FEET ALONG THE WEST LINE OF EAGLE STREET TO THE **TRUE POINT OF BEGINNING**.


Signature



5-19-08

Date

PTS 18262

W.O. 422010

DWG 20313-3-B

000549

Exhibit B

VACATION BOUNDARY			
NO.	BEARING/DELTA	RADIUS	LENGTH
1	N 00° 26' 12" W	---	11.38'
2	N 89° 33' 48" E	---	40.00'
3	N 00° 26' 12" W	---	40.00'
4	N 89° 34' 26" E	---	40.00'
5	N 00° 26' 12" W	---	39.99'
6	N 45° 15' 17" W	---	31.47'
7	S 06° 32' 50" W	320.00'	36.57'

DENOTES A PORTION OF EAGLE STREET DEDICATED PER MAP 530

VICINITY MAP
 NOT TO SCALE
 THOMAS BROS. 1268-J6

INSPIRATION VIEW
MAP NO. 1854

LOT 5
 451-400-06

LOT 3
 451-400-04

LOT 4
 451-400-04

WALNUT AVE.
 (VACATED SEE SHT 2)

451-400-05

451-391-26
 BLOCK 432

451-391-26
 BLOCK 409

EAGLE STREET
 DEDICATED PER
 MAP 530
 (VACATED SEE SHT 3)

REFERENCE DWG.
 ROS13890, ROS12299, MAP 1854,
 3438-B, 9283-B, 10130-B,
 10131-B, 12934-L

ASSESSOR'S NUMBER
 451-400-04, 451-400-05

CDS
 CIVIL ENGINEERS
 110 TOWN CENTER PKWY
 SANTEE, CALIFORNIA 92091
 (619) 448-0820 FAX (619) 448-8404

SCALE: 1" = 40'

STREET CLOSED
 SEE CITY
 DWG # 3438-B

STREET VACATION
OF A PORTION
OF EAGLE STREET

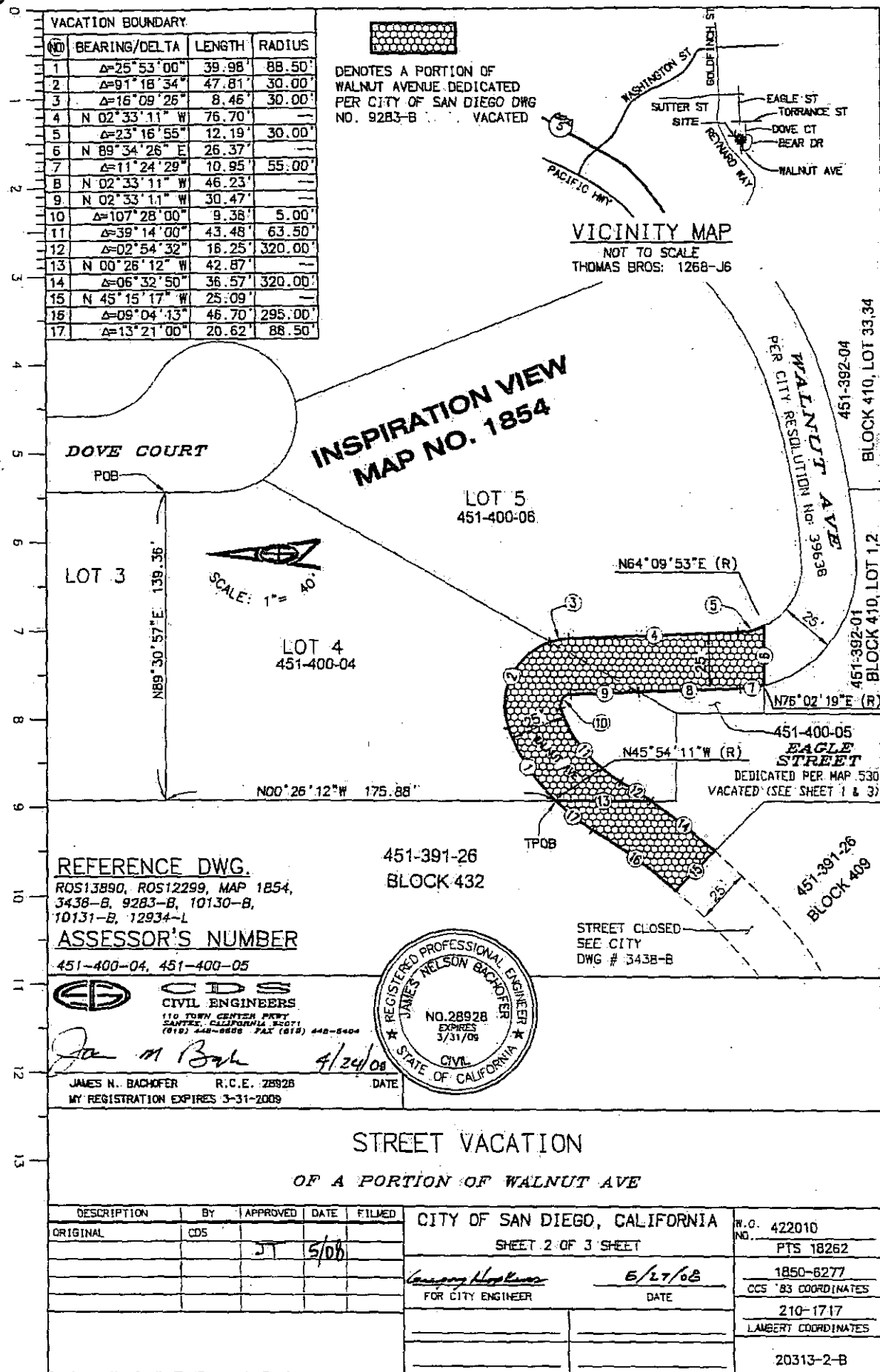
DESCRIPTION	BY	APPROVED	DATE	FILED
ORIGINAL	CDS	JT	5/08	

CITY OF SAN DIEGO, CALIFORNIA		SHEET 1 OF 3 SHEET	
FOR CITY ENGINEER		5-27-08 DATE	

M.O. 422010	
PTS 18262	
1850-6277	
CCS '83 COORDINATES	
210-1717	
LAMBERT COORDINATES	
20313-1-B	

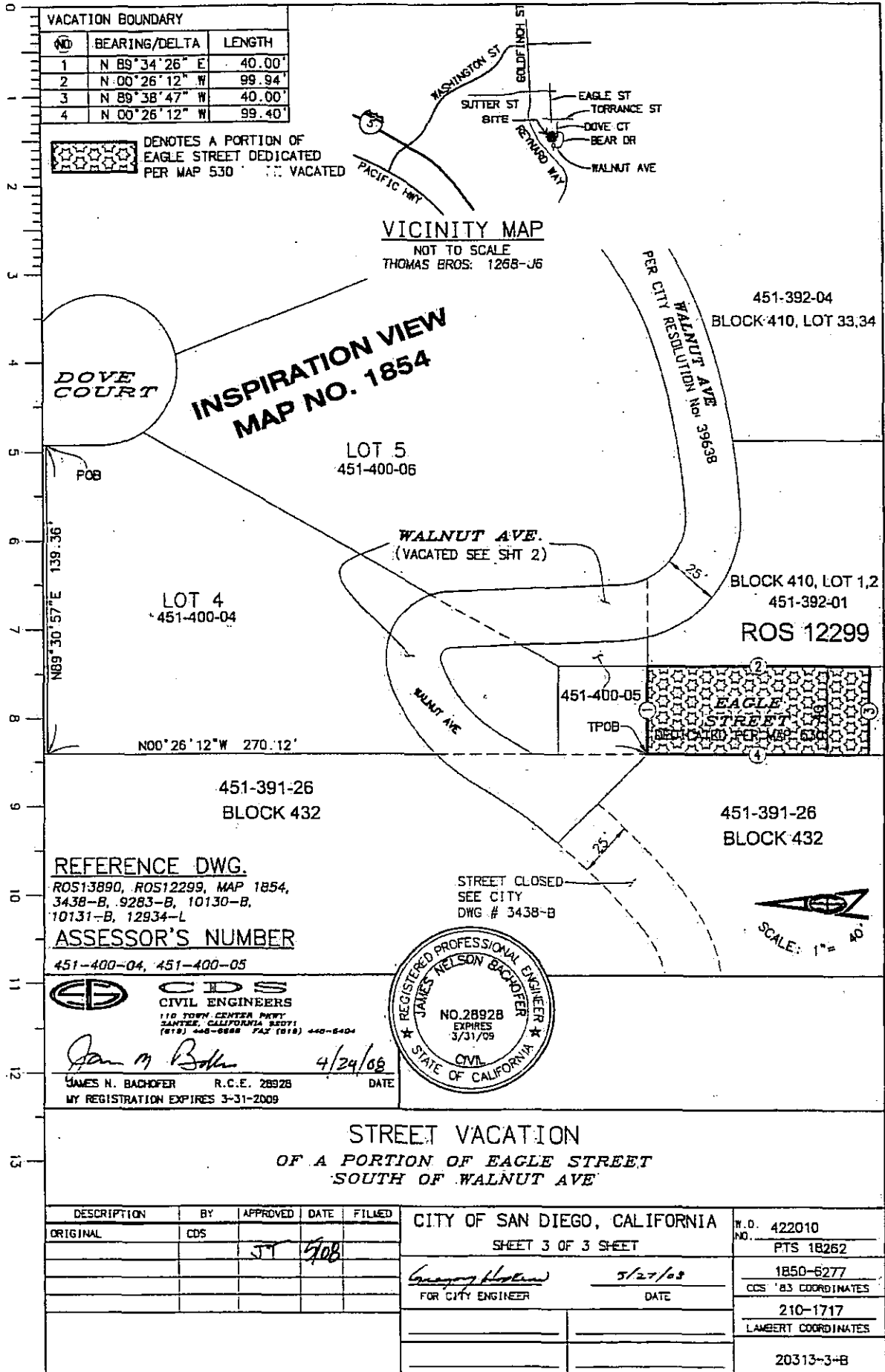
000550

EXHIBIT B



000551

EXHIBIT B



RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION APPROVING STREET NAME CHANGE –
PETRIE RESIDENCES - PROJECT NO. 18262.

WHEREAS, Section 34091.1 of the California Government Code and Section 5026 of the California Streets and Highways Code authorizes the City Council to change the name of City streets by resolution; and

WHEREAS, 100 percent of the property owners on Walnut Avenue have approved that the name of the street be changed to Bear Drive in order to provide continuity of the existing street; and

WHEREAS, the street name change is supported by the Uptown Planners; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the name of Walnut Avenue, more particularly shown on Drawing No. 20361-B attached hereto as Exhibit "A," is changed to Bear Drive.

2. That the City Clerk shall cause a certified copy of this resolution, with Exhibit "A," attested by her under seal, to be recorded in the Office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:hm:pev
02/09/09
Or.Dept:DSD
R-2009-842
MMS#7536

EXHIBIT A

VICINITY MAP
NOT TO SCALE
THOMAS BROS. - 1288-J6



CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 0.55 ACRES LOCATED AT 3520 DOVE COURT, WITHIN THE UPTOWN COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RS-1-1 ZONE INTO THE RS-1-4 AND RS-1-7 ZONES, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0403; AND REPEALING ORDINANCE NO. O-17306 (NEW SERIES), ADOPTED MAY 30, 1989, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HERewith.

This ordinance approves the rezoning of .55 acres from the RS-1-1 zone into the RS-1-4 and RS-1-7 zones, in connection with property located 3520 Dove Court, in the Uptown Community Plan, in the City of San Diego, California.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its final passage, since a written or printed copy will be available to the City Council and the public a day prior to its final passage.

This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

ST:pev
02/09/09
Or.Dept:DSD
O-2009-101
MMS #7536

ORDINANCE NUMBER O-_____ (NEW SERIES).

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 0.55 ACRES LOCATED AT 3520 DOVE COURT, WITHIN THE UPTOWN COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RS-1-1 ZONE INTO THE RS-1-4 AND RS-1-7 ZONES, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0403; AND REPEALING ORDINANCE NO. O-17306 (NEW SERIES), ADOPTED MAY 30, 1989, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HERewith.

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on evidence presented;

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 0.55 acres located at 3520 Dove Court, and legally described as Lot 4, Inspiration View, Map No. 1854, including a portion of vacated Eagle Street (Parcel "A") and a portion of Lot 5, Inspiration View, Map No. 1854 and a portion of vacated Walnut Street (Parcel "B"), in the Uptown Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4267, filed in the office of the City Clerk as Document No. OO-_____, are rezoned from the RS-1-1 zone into the RS-1-4 and RS-1-7 zones, as the zones are described and defined by San Diego Municipal Code Chapter 13, Article 1, Division 4. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

000560

Section 2. That Ordinance No. O-17306 (New Series), adopted May 30, 1989, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:hm:pev
02/10/09
Or.Dept:DSD
O-2009-101
MMS#7536

00 10 11 11 3 31

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
OCTOBER 9, 2008
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

Item no: 16

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:16 a.m. Chairperson Schultz adjourned the meeting at 7:00 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz –present (left @ 6:00pm)

Vice-Chairperson - Eric Naslund –present

Commissioner Robert Griswold – present

Commissioner Gil Ontai –present

Commissioner Dennis Otsuji – present

Commissioner Mike Smiley – not present

Commissioner Tim Golba - Present

Staff

Shirley Edwards, City Attorney - present

Mary Wright, Planning Department – present

Mike Westlake, Development Services Department – present

Brenda Clark, Legislative Recorder - present

Elisa Contreras, Recorder – present

✓ ITEM-16: *Continued from September 4, 2008:*

***PETRIE RESIDENCE – PROJECT NO. 18262**

City Council District: 2; Plan Area: Uptown

Staff: Michelle Sokolowski

Speaker slips submitted in favor of project by John "Rand" Petrie, Jim Bartell, Mick A. Frasca, Michael S. Squillape, Michael Gardiner.

Speaker slips submitted opposed to project by Joan Condra, Lynn Eldred.

COMMISSION ACTION:

MOTION BY COMMISSIONER GOLBA TO RECOMMEND THE CITY COUNCIL CERTIFY NEGATIVE DECLARATION NO. 18262; AND RECOMMEND THE CITY COUNCIL APPROVE REZONE NO. 42905, PUBLIC RIGHT-OF-WAY VACATION NO. 42923, TENTATIVE MAP NO. 42906, AND SITE DEVELOPMENT PERMIT NO. 42924 AS PRESENTED IN REPORT NO. PC-08-074. Second by Commissioner Otsuji. Passed by a vote of 4-0-3 with Commissioner Ontai recusing, Commissioners Naslund and Smiley not present. Resolution No. 4470-PC

ADDITIONAL CONDITIONS:

PRIOR TO THE ISSUANCE OF GRADING PERMIT AND RECORDATION OF THE EASEMENT VACATION THE APPLICANT PERMIT HOLDER SHALL DEMONSTRATE TO THE SATISFACTION OF THE CITY OF SAN DIEGO THAT THE SAME HAS OBTAINED CLEAR TITLE TO OWNERSHIP OF THE ENTIRE PROPERTY WITHIN, UPON AND BELOW THE PUBLIC RIGHT-OF-WAY THAT ARE THE SUBJECT OF EASEMENT VACATION NO. 42923.

IN ADDITION, THE APPLICANT VOLUNTARILY REQUESTED THE "VOLUNTARY CONSTRUCTION PARAMETERS FROM APPLICANT," BE INCLUDED AS A PERMIT CONDITION:

"TO THE SATISFACTION OF THE CITY ENGINEER, ALL OF THE FOLLOWING RECOMMENDATIONS WILL BE FOLLOWED DURING THE CONSTRUCTION OF IMPROVEMENTS AS PROPOSED FOR NEW SINGLE FAMILY HOME TO BE CONSTRUCTED AT THE END OF BEAR DRIVE AND AS REFERRED TO AS LOT B OF TM 18262.

- 1) A TRAFFIC CONTROL PLAN TAKING INTO ACCOUNT TRAFFIC SAFETY AND ROAD CAPACITY SHALL BE PREPARED, SUBMITTED AND APPROVED BY THE CITY ENGINEER PRIOR TO THE COMMENCEMENT OF ANY GRADING OPERATIONS.
- 2) NO CONSTRUCTION VEHICLES, EQUIPMENT OR SUPPLIES WILL BE STORED OR PARKED ON BEAR DRIVE UNLESS DIRECTLY ADJACENT TO THE PROPERTY BEING IMPROVED.

- 3) ALL HEAVY EQUIPMENT AND MATERIALS WILL BE OFF-LOADED FROM TORRANCE AVE OR DOVE COURT AND THEN TRANSPORTED IN SMALLER BATCHES, 1 TON OR LESS, BY WAY OF A RUBBER TIRED FORKLIFT OR SMALLER TRUCK, NOT IN EXCESS OF 12,000 LBS GVW, TO THE CONSTRUCTION SITE. THE ONLY EXCEPTION SHALL BE FOR AWKWARD SIZED LOADS SUCH AS LUMBER OR STEEL WHICH MAY BE TRANSPORTED ON A LIMITED BASIS BY TRUCKS NOT EXCEEDING 45,000LBS. GVW.
- 4) ALL WET CONCRETE WILL BE OFF-LOADED AND PUMPED DOWN THE HILL FROM THE END OF DOVE COURT, NOT WALNUT AVENUE OR BEAR DRIVE.
- 5) EARTH MOVING EQUIPMENT AND DIRT HAULING TRUCKS SHALL BE OF THE SMALLEST AND LIGHTEST VARIETY PRACTICALLY USEFUL AND LOCALLY AVAILABLE FOR THE JOB REQUIRED BUT SHALL NOT EXCEED 55,000LBS. GVW UNDER ANY CIRCUMSTANCES.
- 6) AT NO TIME SHALL ANY CONSTRUCTION VEHICLE LOADS EXCEED THE SAFE WEIGHT LIMIT FOR ANY STREET AS MAY BE DETERMINED AND NOTIFIED OR POSTED BY THE CITY ENGINEER.

IT IS HEREBY AGREED THAT THE ABOVE MITIGATION MEASURES SHALL BE FOLLOWED DURING CONSTRUCTION AT ALL TIMES. THESE MEASURES SHALL BE A PART OF THE DEVELOPMENT PERMIT AND SHALL ENDURE TO AND BE ENFORCEABLE UPON THE APPLICANT AND ANY FUTURE OWNER OR BUILDER OF THE IMPROVEMENTS AS REFERENCED ABOVE."

ITEM-17: *Continued from June 28, August 9, and September 20, 2007,
Continued from May 8, 2008 and July 10, 2008 and September 11, 2008:*

AMERICAN TOWER - AVIATION – PROJECT NO. 92076

City Council District: 4; Plan Area: Skyline Paradise Hills

Staff: Karen Lynch-Ashcraft

Speaker slip submitted in favor of project by Robert Jystad.

No speaker slip submitted opposed to project.

COMMISSION ACTION:

MOTION BY COMMISSIONER NASLUND TO DENY CONDITIONAL USE PERMIT 296155 AND PLANNED DEVELOPMENT 296156 AS PRESENTED IN REPORT NO. PC-07-079. Second by Commissioner Ontai. Passed by a vote of 4-0-3 with Commissioner's Griswold, Golba recusing and Commissioner Smiley not present. Resolution No 4400-PC.

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
SEPTEMBER 4, 2008
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

Item no: 9

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:18 a.m. Chairperson Schultz adjourned the meeting at 5:41 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz –present
Vice-Chairperson - Eric Naslund –present (arrived @ 3:52)
Commissioner Robert Griswold – present (left @ 4:37)
Commissioner Gil Ontai –present (left @ 3:45)
Commissioner Dennis Otsuji – present (arrived @ 3:52)
Commissioner Mike Smiley – not present
Commissioner Tim Golba - Present

Staff

Shirley Edwards, City Attorney - present
Mary Wright, Planning Department – present
Cecilia Gallardo, Development Services Department - present
Elisa Contreras, Recorder – present

COMMISSION ACTION:

ITEM WAS TRAILED TO SEPTEMBER 11, 2008 TIME CERTAIN OF 10:00AM. PUBLIC TESTIMONY CLOSED REPORT NO. PC-08-064

Lunch 12:25-1:40

ITEM-8: *Appeal of the CCDC President decision of July 17, 2008:*

GELATERIA FRIZZANTE SIDEWALK CAFE

City Council District: 2; Plan Area: Downtown

CCDC Staff: Lorena Cordova

Speaker slip submitted opposed to appeal in favor of project by Christina Kaufmann.

Speaker slips submitted in favor of appeal opposed to project by Betty J. Hopkins, Michael Hopkins, Joy Sunyata.

COMMISSION ACTION:

MOTION BY COMMISSIONER GRISWOLD TO DENY THE APPEAL AND UPHOLD CCDC'S APPROVAL OF NUP 2008-16 AS PRESENTED IN REPORT NO. PC-08-121. Second by Commissioner Naslund. Passed by a vote of 5-0-2 with Commissioner Ontai and Smiley not present. Resolution No. 4446-PC

✓ ITEM-9: ***PETRIE RESIDENCE – PROJECT NO. 18262**

City Council District: 2; Plan Area: Uptown

Staff: Michelle Sokolowski

Speaker Slips submitted in favor of project by John Petrie, Mick Frasca,

Speaker slips submitted opposed to project by Brad Simos, Michael Gardiner, Joan Condra.

COMMISSION ACTION:

MOTION BY COMMISSIONER NASLAND TO CONTINUE TO DATE CERTAIN OF OCTOBER 9, 2008. Second by Commissioner Golba. Passed by a vote of 4-0-3 with Commissioner Griswold, Ontai and Smiley not present. Report No. PC-08-074

QUESTIONS/ISSUES:

1. Adequate analysis of the turnaround in the exact position of the private gate or assure that it works.

2. Justification or alteration of why R-1-1 does not work and why the largest setback with house is nearly there as it is it certainly could be alternated to maintain the R-1-1.
3. Condition that would insure the owners who live on Bear that there street would not degrade further as a consequence of this activity.

ITEM-10: ***SALK INSTITUTE – PROJECT NO. 44675**

City Council District: 1; Plan Area: University

Staff: Laura Black

Speaker slips submitted in favor of project by Brad Leathley, Lilian Asperin-Clyman, Marie Rowson, Marsha Chandler, John Ponder, Lisa Ross, Garry Van Geipen, Anne Harvey, Joanne Pearson, Kim Baranek, Ervin Wheeler, Michael Beck, Linda Colley, Deborah Knight, Courtney Coyle, Carol Chase.

No speaker slips submitted opposed to the project.

COMMISSION ACTION:

MOTION BY COMMISSIONER GRISWOLD TO RECOMMEND THE CITY COUNCIL CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 44675, ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM, AND ADOPT THE APPLICANT'S FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS;

RECOMMEND THE CITY COUNCIL APPROVE VESTING TENTATIVE MAP NO. 369518, MASTER PLANNED DEVELOPMENT PERMIT NO. 561577, COASTAL DEVELOPMENT PERMIT NO. 126996, SITE DEVELOPMENT PERMIT NO. 127002, AMENDMENT TO CDP/HRP/CUP NO. 90-110, EASEMENT ABANDONMENT NO. 130269, MULTIPLE HABITAT PLANNING AREA (MHPA) BOUNDARY LINE ADJUSTMENT. Second by Commissioner Golba. Passed by a vote of 4-0-3 with Commissioner's Naslund, Otsuji and Smiley not present. Resolution No. 4445-PC. Report No. PC-08-083

PETRIE PROJECT No.18262

APPLICANTS PROJECT INFORMATION
SUMMARY

SITE DEVELOPMENT PERMIT No. 42924
TENTATIVE MAP No. 42906
RIGHT OF WAY VACATION No. 42923
REZONE No. 42905

FOR COUNCIL HEARING

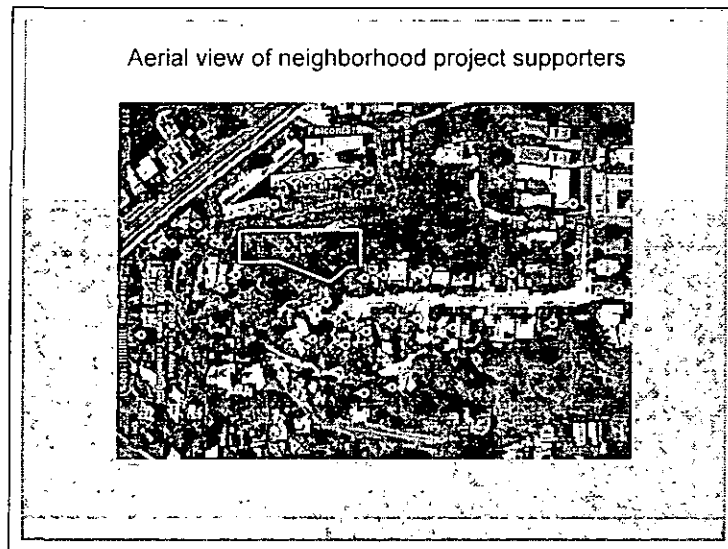
FEBRUARY 24, 2009

SUBMITTED BY: John R. Petrie
February 6, 2009

TABLE OF CONTENTS

PETRIE PROJECT APPLICANT SUMMARY

Project Summary	pages 2-13
Introduction	page 2
Voluntary Construction Traffic Plan	page 3
Zoning review	page 4
Hillside Evaluation Model	pages 5-9
Public Benefits of Project	pages 10-12
Sustainable Building Features	page 13
Neighborhood Support Documents	pages 14-28



Here is an aerial view of the neighborhood showing an outline of my property.

We have placed green flags at every home where I was able to meet with the residents to explain my project, and where they also agreed to sign a petition, or they submitted their own letter, indicating that they were in support of the project, or at the very least, had no opposition to it.

I am submitting today, the actual signatures and letters from them, for your review.

This picture shows very clearly that there is a high level of support in the neighborhood for this project, including all adjacent residents and residents of the Mission Hills Condominium complex to the South. In addition, the project has obtained unanimous support by the Uptown Planners and the City Planning Commission.

I know that you have heard from a few neighbors in opposition to this project. Some of them have even claimed to represent others in the neighborhood. However, I can assure you that of all the people I met with, none claimed to be represented by anyone but themselves.

I have also been working very closely with several concerned neighbors, including Mr. Gardiner, who was initially opposed to my project, and I am pleased to report, that I believe all of their concerns have now been addressed, or mitigated to the mutual satisfaction of all. (A copy of the proposed Construction Traffic Plan is attached)

VOLUNTARY BEAR DRIVE CONSTRUCTION TRAFFIC PLAN

FOR: PETRIE RESIDENCE TM# 18262

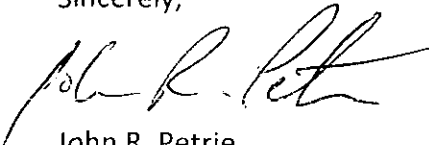
FOR CONSTRUCTION OF RESIDENCE AT WESTERLY TERMINUS OF WALNUT AVE. & BEAR DR.

To the satisfaction of the City Engineer, all of the following recommendations will be followed during the construction of improvements, as proposed for one new single family home to be constructed at the end of Bear Drive and as referred to as Lot B of TM 18262.

- 1) A Traffic Control plan taking into account traffic safety and road capacity shall be prepared, submitted and approved by the City Engineer prior to the commencement of any grading operations.
- 2) No construction vehicles, equipment or supplies will be stored or parked on Bear Drive unless directly adjacent to the property being improved.
- 3) All heavy equipment and materials will be off-loaded from Torrance Ave or Dove Court and then transported in smaller batches, 1 ton or less, by way of a rubber tired forklift or smaller truck, not in excess of 12,000 lbs GVW, to the construction site. The only exception shall be for awkward sized loads such as lumber or steel which may be transported on a limited basis by trucks not exceeding 45,000lbs. GVW.
- 4) All wet concrete will be off-loaded and pumped down the hill from the end of Dove Court, not Walnut Avenue or Bear Drive.
- 5) Earth moving equipment and dirt hauling trucks shall be of the smallest and lightest variety practically useful and locally available for the job required but shall not exceed 55,000lbs. GVW under any circumstances.
- 6) At no time shall any construction vehicle loads exceed the safe weight limit for any street as may be determined and notified or posted by the City Engineer.

It is hereby agreed that the above measures shall be followed during construction at all times. These measures shall be a part of the Development Permit and shall endure to and be enforceable upon the applicant and any future owner or builder of the improvements as referenced above.

Sincerely,



John R. Petrie

Applicant, TM #18262

Uptown Community Plan Zoning Review

- Open Space Priority Matrix: area score = 21.6
site specific score = 13.6 priority ranks 32/33
This is a very low priority site
- Hillside Evaluation Model schematic examination:
Subject site falls within the Urban Design Zone 2
calling for 3-4 Dwelling Units/Acre
- Subject site also meets Hillside Development Criteria
for 4 Dwelling Units/Acre

To answer the questions as to why I have requested a zone change:

There were several important factors considered. All of the considerations were taken from the Uptown Community Plan guide for determining appropriate zoning for development within designated open space areas.

The first is the Open Space Priority Matrix:

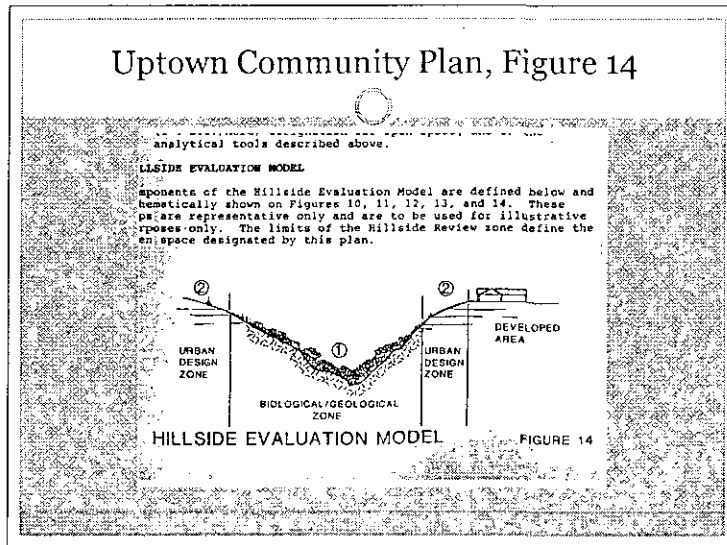
The open space score for the Curlew Canyon system is 31.1 ranking it 11/33

However, when we apply the same point scoring system to this particular site ,the score achieved is 13.6 ranking it number 32 out of 33 areas studied.

Based on this analysis, and according to the Community Plan's own Open Space Priority Matrix scoring system, we conclude that this is a very low priority site.

The second is the Hillside Evaluation Model. This Model illustrates and describes the types of development recommended for different areas of any canyon system.

This project site clearly meets the description and intent of the Urban Design Zone area. It preserves the open space character of the neighborhood while allowing for low density (3-4 D. U./Acre) development in the areas that are not highly sensitive geologically or biologically.



This Illustration was taken directly from the Uptown Community Plan, Open Space and Recreation Element guide.

It calls for only very low density 1-2 DU/Acre development within the highest priority biological/geological preservation zones.

1 DU/Acre is the current zoning for most of my site but this site clearly does not fit the model as shown for zoning of 1-2 DU/Acre .

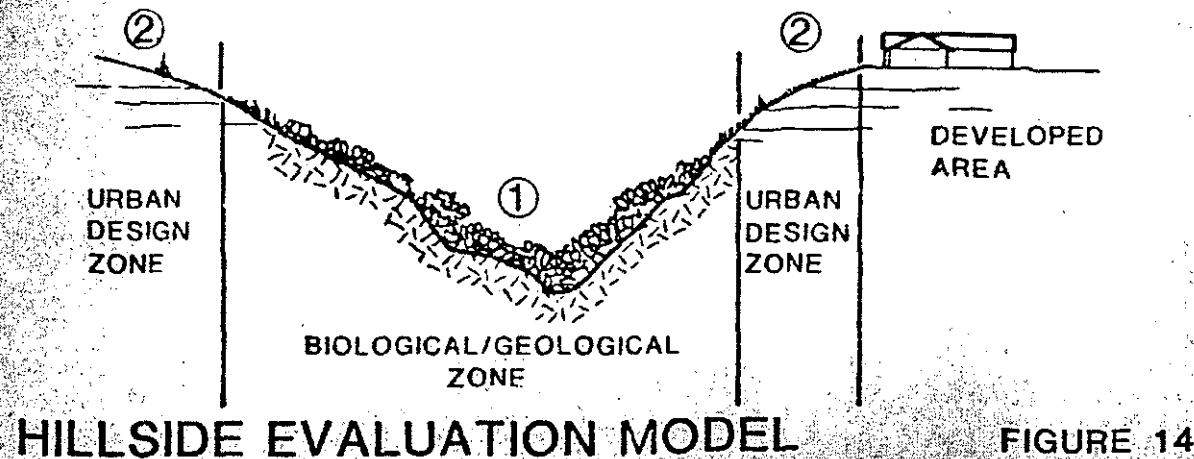
Zone 2, or Urban Design Zone is a much better fit for the description of my site.

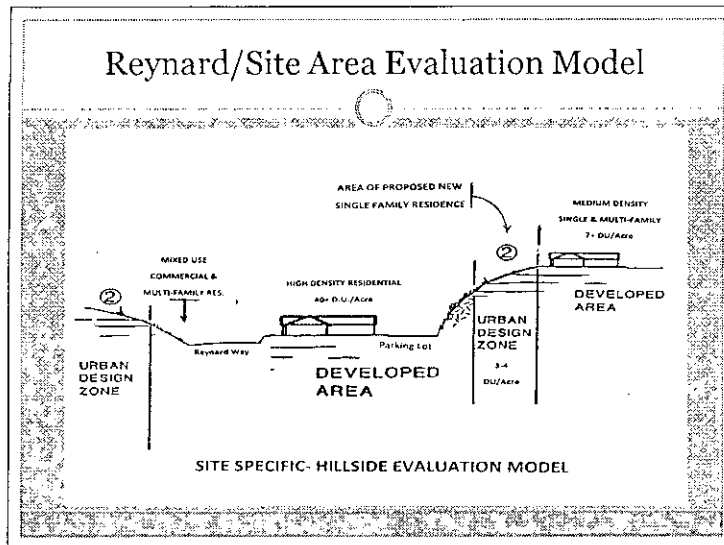
Uptown Community Plan, Figure 14

analytical tools described above.

HILLSIDE EVALUATION MODEL

Components of the Hillside Evaluation Model are defined below and schematically shown on Figures 10, 11, 12, 13, and 14. These maps are representative only and are to be used for illustrative purposes only. The limits of the Hillside Review zone define the open space designated by this plan.





This Site Evaluation Model illustrates the actual zoning and existing development conditions surrounding the proposed new single family home site. See the parking lot just west of my property with apartment buildings beyond that.

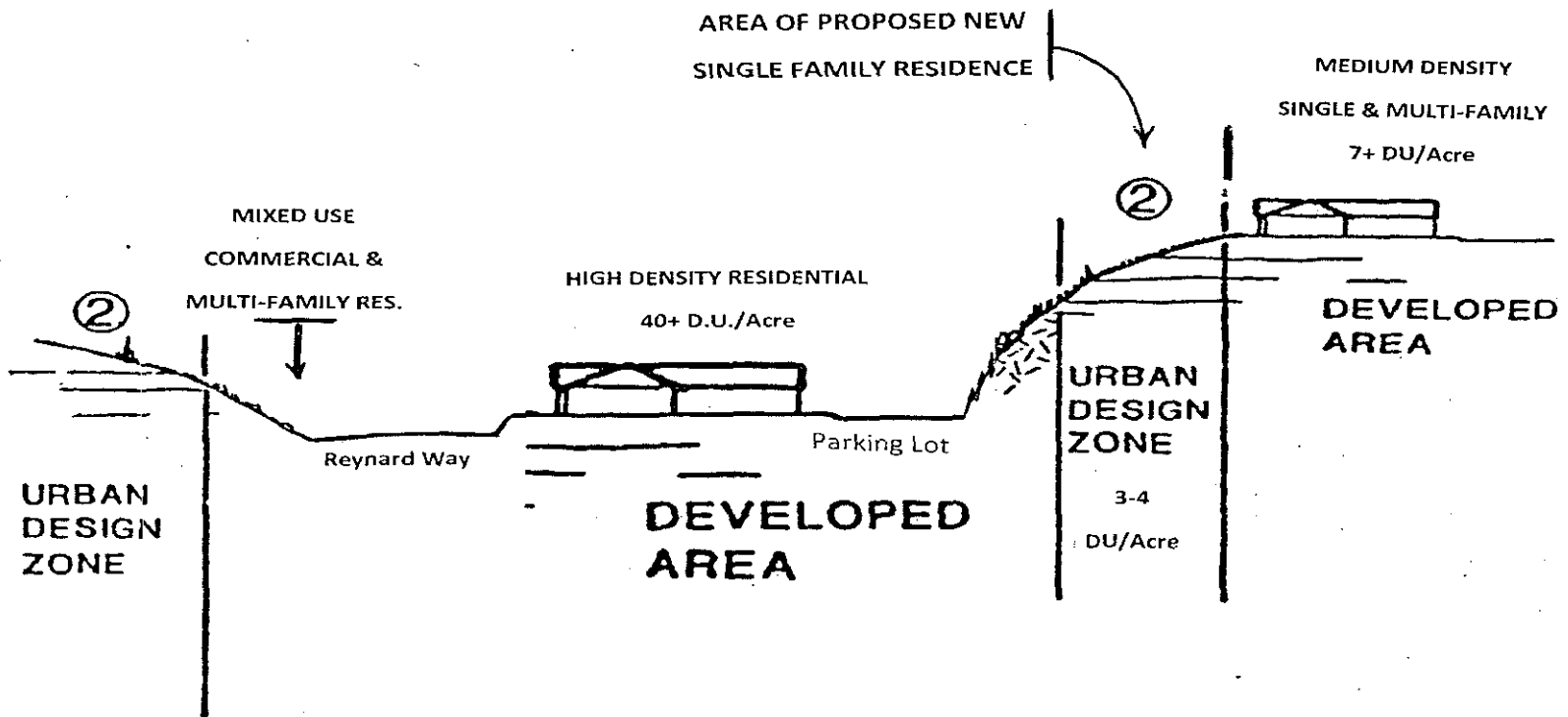
The project site is surrounded by higher density development on three sides and similar development density on one side.

As such, the Project Site is more accurately identified as an Urban Design Zone or transition zone by the Uptown Community Plan Hillside Evaluation Model.

Urban Design Zone areas call for 3-4 DU/Acre development density.

This corresponds with our request to change the zoning on portions of the site from RS 1-1 to RS 1-4.

Reynard/Site Area Evaluation Model



SITE SPECIFIC- HILLSIDE EVALUATION MODEL

Uptown Community Plan Zoning Review

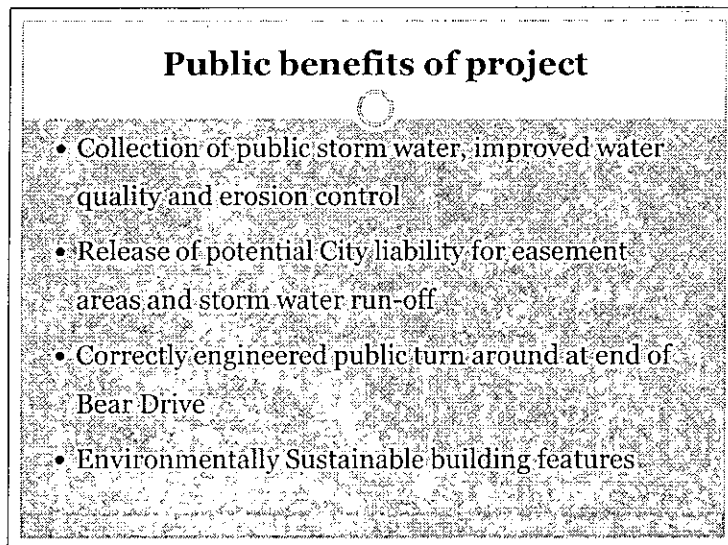
- Open Space Priority Matrix: area score = 21.6
site specific score = 13.6 priority ranks 32/33
This is a very low priority site
- Hillside Evaluation Model schematic examination
Subject site falls within the Urban Design Zone 2
calling for 3-4 Dwelling Units/Acre
- Subject site also meets Hillside Development Criteria
for 4 Dwelling Units/Acre

The Hillside Evaluation Model illustrates and describes the types of development recommended for different areas of any canyon system.

This project site clearly meets the description and intent of the Urban Design Zone, transition zone area.

It preserves the open space character of the neighborhood while allowing for low density (3-4 D. U./Acre) development in the areas that are not highly sensitive geologically or biologically.

The third and equally important consideration was if this project would meet the Hillside Development Criteria (fig.15 of UCP) for 4 DU/Acre. This project site satisfies all of the following criteria: 1) Low priority rating on open space matrix. 2) Hillside is not on Community Planners' Open Space Priority List. 3) Surrounded by Larger scale developments. 4) No views or vistas are negatively affected. 5) Site is covered with non-native vegetation and was previously graded. 6) Surrounded by higher density uses such as multi-family residential. 7) Proximate to higher volume roadway. 8) Not proximate to historic/cultural resources. 9) Not proximate to existing or proposed recreation al open space sites.



To Clarify the Public Benefits of the Project:

The site currently takes most of the runoff from Dove Court and Walnut Ave. This project, if approved, will collect that water on-site and filter it as needed to meet current WQCB standards prior to discharging it back into the local storm water system.

This will cure the existing public water erosion problems within the project boundaries.

As per the City Engineer, the City desires to be released of potential liabilities associated with the un-usable paper street easements.

The project includes a vehicular turn around within the site boundaries designated for public use and designed to handle any non-commercial vehicles.

Full sized, Super cab, long bed pick-up truck turn around capability

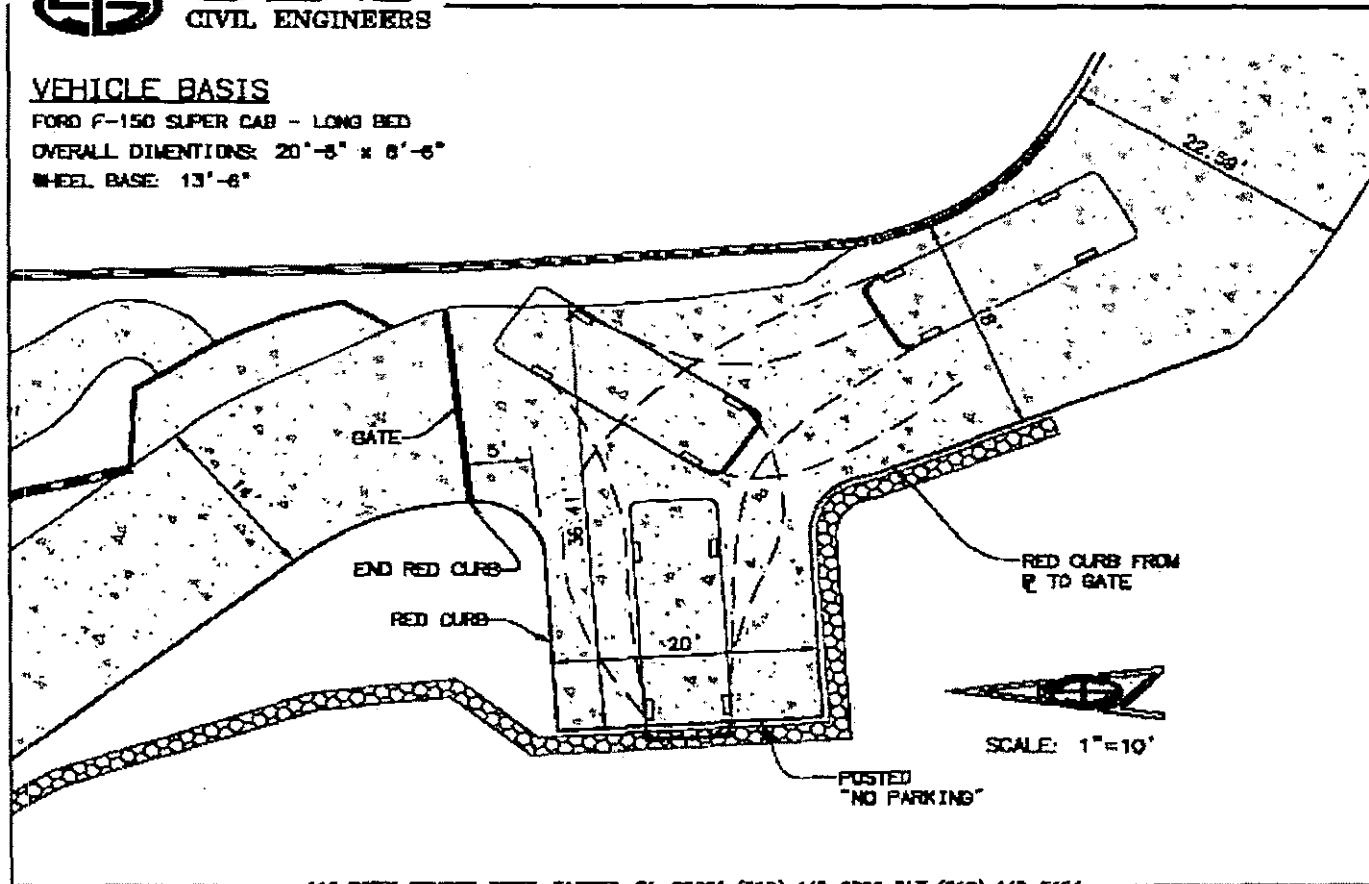


VEHICLE BASIS

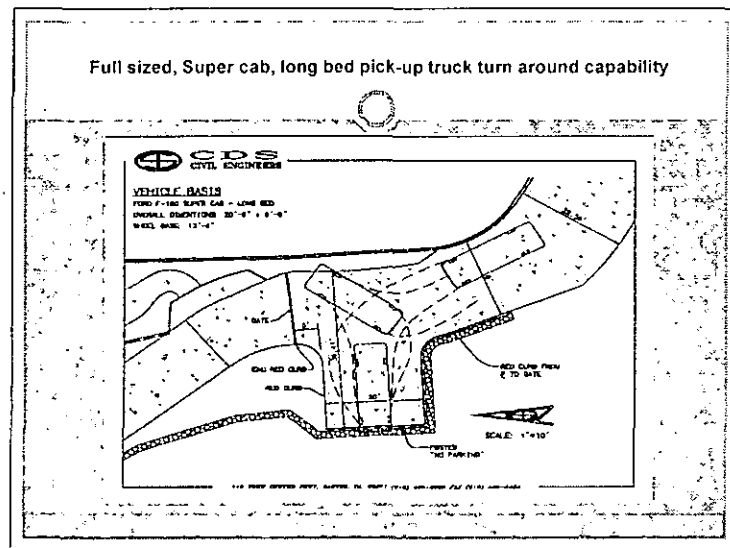
FORD F-150 SUPER CAB - LONG BED

OVERALL DIMENSIONS: 20'-8" x 8'-6"

WHEEL BASE: 13'-6"



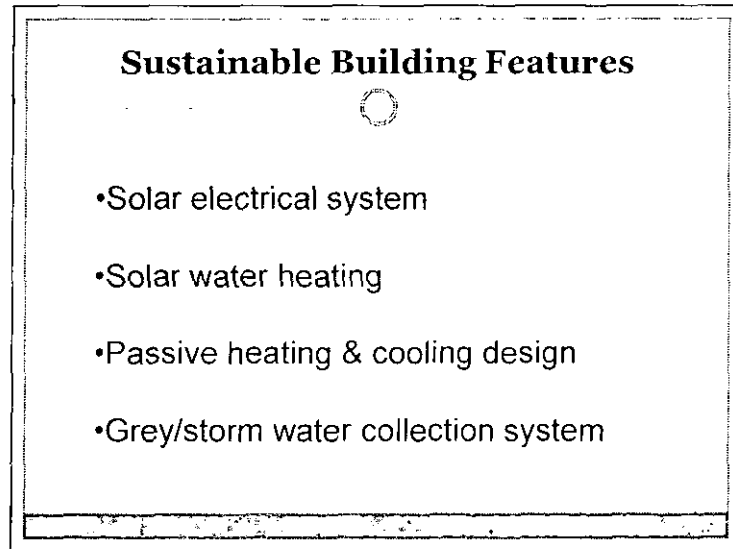
110 TOWN CENTER PKWY, SANTEE, CA 92071 (619) 448-0206 FAX (619) 448-5604



This exhibit clearly demonstrates the usefulness of the proposed turn around.

We used a full sized Ford F-150 ,Super Cab, Long Bed truck as the template vehicle. To the best of our knowledge, it is the longest wheel base production vehicle available.

Even though the turn around would work with out moving the gate, we have also moved the gate back 5' to provide additional extra room for vehicles turning around.



A photo-voltalic electrical system will be incorporated into the design of the home.

Solar water heating to be employed for primary hot water source

Solar heated water to also be used for zoned radiant space heating .

Passive heating designed to take advantage of the suns angle and solar gain/radiation provided by certain building materials to be used.

Passive cooling effects shall be obtained by way of strategically placed operable windows benefiting from natural thermal air flows and the cooling effects of evaporation from specific water features to be incorporated into the projects design.

A grey water collection system , if approved for use by the City, shall be incorporated to suppliment landscape irrigation requirements for the property.

Aerial view of neighborhood project supporters



We the undersigned are neighbors of Rand Petrie, the applicant for the proposed Petrie Residences - Project No. 18262. We have discussed his proposed residential project with Mr. Petrie and are in support of his application to the City. We believe the project's public improvements to the water main, draining system and public turnaround on Walnut Street will result in significant benefits to the neighborhood.

NAME	STREET ADDRESS
------	----------------

Rich Pickett	3637 Dove Ct.
--------------	---------------

Lindsay Romero	644 Torrance St.
----------------	------------------

Mark Chenven	655 Torrance St.
--------------	------------------

Charles Sackbold	3646 Eagle St.
------------------	----------------

John Payne	3624 Dove Ct. NO OPINION
------------	--

NO OPINION FOR, NOR AGAINST, AT THIS TIME 9/27/08

FRANK WOLDEN	2535 BEAR DR.
--------------	---------------

Beth Ann Wolden	3535 Bear Dr.
-----------------	---------------

Carol Lakoff	3870 Don Court
--------------	----------------

Jawhara	3505 Reynard Way #3
---------	---------------------

(JAMIE HALL) Rollo Kaplon	3407 Keimatt Way #5
------------------------------	---------------------

Michael Desiderio	3505 Reynard Way #20
-------------------	----------------------

Sandeep Rao	3505 Reynard Way #28
-------------	----------------------

(SANDEEP RAO)

Brad Fountain	3505 Reynard Way #49
---------------	----------------------

Dante Fonseca	3505 Reynard Way #55
---------------	----------------------

We the undersigned are neighbors of Rand Petrie, the applicant for the proposed Petrie Residences - Project No. 18262. We have discussed his proposed residential project with Mr. Petrie and are in support of his application to the City. We believe the project's public improvements to the water main, draining system and public turnaround on Walnut Street will result in significant benefits to the neighborhood.

NAME

STREET ADDRESS

Dave + Lisa Gordin 3519 Dove Ct

DBS

I Support the Dove Ct Remodel and I'm not
opposed to the new house on Bear Pr.

Nor am I concerned about construction traffic.

~~Chris Leppert~~ 3529 Dove Ct.

~~On in full support of this project~~
WICK FRASCA 3550 DOVE CT

I believe this project will improve
property values all over this neighborhood

~~Up/hasco~~
We have nothing against
the proposal of project
on 3520 Dove Ct.

~~Vaya~~ 3509 Dove Ct.
VAYA - PHA ~~HABESTAD~~ HABBESTAD

We the undersigned are neighbors of Rand Petrie, the applicant for the proposed Petrie Residences - Project No. 18262. We have discussed his proposed residential project with Mr. Petrie and are in support of his application to the City. We believe the project's public improvements to the water main, draining system and public turnaround on Walnut Street will result in significant benefits to the neighborhood.

NAME

STREET ADDRESS

BURTON LARKINS

3459 B REYNARD WAY

Christine Workman 3451 'A' Reynard Way

Ratim Ely

3443A Reynard Way

Ellen Casados

3435 A Reynard Way

Chris Lelli

3435 C Reynard Way

Cameron Weaver

3505 Reynard Way #103

Kevin McCawley

3505 Reynard Way #23

We the undersigned are neighbors of Rand Petrie, the applicant for the proposed Petrie Residences - Project No. 18262. We have discussed his proposed residential project with Mr. Petrie and are in support of his application to the City. We believe the project's public improvements to the water main, draining system and public turnaround on Walnut Street will result in significant benefits to the neighborhood.

NAME

STREET ADDRESS

GRAHAM & JEAN ELLIS

3532 DOVE COURT, SD.

WE HAVE DISCUSSED THE PROPOSED RESIDENTIAL PROJECT WITH MR. PETRIE AND ARE IN SUPPORT OF THE PROPERTY ENHANCEMENTS HE HAS SHARED WITH US.

THE ONLY CONCERNS WE HAVE EXPRESSED RELATE TO ADEQUATE ENGINEERING EFFORTS TO ENSURE THE STABILITY OF THE GRADE (CANYON) UPON WHICH THE PROJECT IS BUILT AND THE CONSEQUENCE OF FURTHER EROSION AND DETERIORATION OF THE NATURAL DRAINAGE. I TRUST THE CITY PLANNING + COUNCIL WILL ENSURE STRICT COMPLIANCE AND SAFEGUARDS TO ENSURE THIS.

UPGRADES TO THE CURRENT STRUCTURE TO BE KEPT COMPLIANT TO CODE. M. ELLIS

GRAHAM ELLIS

JEAN ELLIS

10/5/08

10/5/08



Dove Court/Bear Drive Project

Wednesday, October 8, 2008 3:10 PM

From: "Shawn Hagerty" <Shawn.Hagerty@bbklaw.com>
To: Rand@FineHomesRealtyGroup.com
Cc: "Hayley Peterson" <Hayley.Peterson@doj.ca.gov>

Rand: Thank you for stopping by our house at 3540 Dove Court recently to discuss your subdivision and residential development project. As we discussed with you, we do not oppose your project. We are confident that, once developed, the remodeled Dove Court site and the new Bear Drive home will represent a major improvement to the quality of the neighborhood and will enhance the value of our property.

As with any construction project, we have concerns, which we expressed to you, about safety and related impacts during the construction process. We have a 3 year old son and there are many other children in the neighborhood. It is very important that your project abide by all applicable safety rules and that your contractor is required to follow a specific traffic and safety plan. This will not only protect the safety of the children in the neighborhood but should also help preserve the quality of life in the community during construction. While we recognize that improving the neighborhood necessarily comes with the associated headaches of construction, we ask that you take all reasonable steps to minimize these impacts.

Again, thank you for taking the time to discuss your project with us. We do not oppose the project and look forward to the time when your development is completed. Please note that we have not authorized any other person to speak on our behalf, and our views about the project are set forth in this email. Please email me or stop by if you have any questions.

Shawn Hagerty
Best Best & Krieger LLP
655 West Broadway, Suite 1500
San Diego, CA 92101-3542
(619) 525-1300 Office
(619) 233-6118 Fax

IRS CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication (or in any attachment).

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March 25, 2003

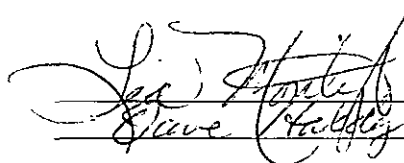
Mr. Alex Sacs
President
Uptown Planners
Community Planning Committee
City of San Diego – Mission Hills

Dear Alex:

I am a neighbor to the property at 3520 Dove Court. John Petrie has shown me and I have reviewed the preliminary Site Development Plans for the remodel and addition to existing home at 3520 Dove Court, and proposed new home on newly created residential building site at the southern portion of the property (to be accessed from Walnut Avenue).

At this time I would like to inform the Uptown Planning Group that I am in support of the proposed development and feel that it would be an improvement to the neighborhood.

Sincerely,

 631 W. WALNUT AVE, SAN DIEGO, CA 92103
" " " "

March 25, 2003

Mr. Alex Sacs
President
Uptown Planners
Community Planning Committee
City of San Diego – Mission Hills

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Sincerely,

Mr & Mrs Anthony J. Chazy
3530 Bear Hill
San Diego, Ca 92103

March 3, 2003


Mr. Alex Sacs
President
Uptown Planners
Community Planning Committee
City of San Diego – Mission Hills

Dear Alex:

I am a neighbor to the property at 3520 Dove Court. John Petrie has shown me and I have reviewed the preliminary Site Development Plans for the remodel and addition to existing home at 3520 Dove Court, and proposed new home on newly created residential building site at the southern portion of the property (to be accessed from Walnut Avenue).

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Sincerely,



TODD BRESLOW

635 WEST WALNUT AVE

SAN DIEGO, CA 92103

March 4, 2003

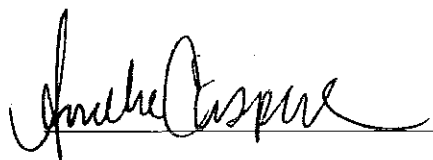
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Sincerely,

 3555 Bear Dr.

March 25, 2003

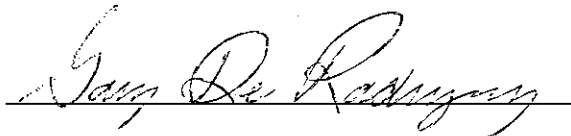
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Sincerely,



3540 DOVE COURT

SAN DIEGO, CA 92103

March 3, 2003

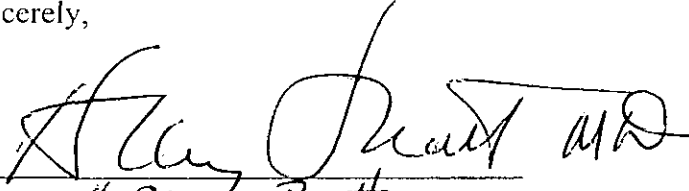
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Sincerely,



H. Candy Pratt

3541 DOVE CT

March 3, 2003

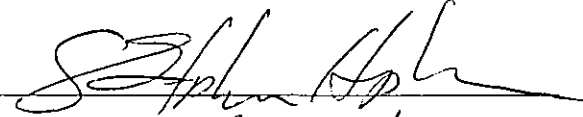
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Community Planning Committee
City of San Diego – Mission Hills

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Sincerely,



3539 Dove Ct

SD 92103

March 3, 2003

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President
Uptown Planners
Community Planning Committee
City of San Diego – Mission Hills

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Sincerely,

Lisa Goodwin

3519 DOVE COURT
SAN DIEGO, CA

March 3, 2003

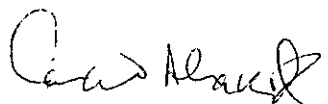
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Dear Alex:

I am a neighbor to the property at 3520 Dove Court. John Petrie has shown me and I have reviewed the preliminary Site Development Plans for the remodel and addition to existing home at 3520 Dove Court, and proposed new home on newly created residential building site at the southern portion of the property (to be accessed from Walnut Avenue).

At this time I would like to inform the Uptown Planning Group that I am in support of the proposed development and feel that it would be an improvement to the neighborhood.

Sincerely,

 SANFORD A. LACROFF
3510 DOVE COURT
SAN DIEGO, CA